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January 14, 2020

Honorable Christian F. Hummel
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re: *NRA v. Cuomo, et al*
Northern District of New York
18-CV-566 (TJM)(CFH)

Dear Judge Hummel:

Per the Court's direction [Dkt. 157], I write in response to the Plaintiff's letter of December 17, 2019 [Dkt. 150] and to briefly clarify my clients' position regarding the Plaintiff's proposal. Plaintiff proposes the parties submit multiple short briefs to the Special Master on issues that have already been the subject of substantive briefing. Such briefing would delay the process. If the Special Master has particular questions regarding legal issues, the Defendants would certainly be willing to assist with such questions, but it would be more efficient to consolidate any such request, rather than engage in piecemeal briefing. Should the Special Master have any requests or suggestions of his own that would aid in his review of these documents, the Defendants would certainly be willing to discuss any such requests.

My clients continue to maintain the appropriateness of the asserted privileges and it must be restated that the NRA is the subject of an investigation that has already yielded multiple consent orders reflecting the illegal nature of the Carry Guard program. Plaintiff's suggestion appears to be an alternative attempt to improperly gain access to documents and information about DFS' investigation, rather than a means to expedite a resolution of this matter. The NRA is not entitled to investigative documents that pertain to an open investigation of which the NRA is a target.

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The question of the privilege log has already been briefed to this Court and is one of the several issues before the Special Master. Given this, if the Special Master has questions about the substance of the documents, my clients would be willing to answer those questions. [See e.g., Dkt. 79 & 121]. Until such time that the Court rules that the documents are not privileged it would be improper for the NRA to gain access to this information under the guise of expediting the discovery process.

I have conferred with counsel for Ms. Vullo, who supports my clients' position as detailed above.

The Court's continued attention to this matter is appreciated.

Respectfully yours,

s/ William A. Scott

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Cc: All Counsel of Record via ECF